

REMARKS

Claims 28-57 are currently pending in the subject application and are presently under consideration. Claims 28, 35-40, 44, 46, 47, 50, 53 and 57 have been amended as shown on pp. 2-6 of the Reply. Claims 29-34 have been canceled.

Applicants' representative thanks the Examiner for the courtesies extended during the teleconference of January 9, 2007.

Favorable consideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 28-57 Under 35 U.S.C. §101

Claims 28-57 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Specifically, claims 28-57 do not disclose a "useful, tangible and concrete" result, the Examiner states that "signals" are directed to non-statutory subject matter and requests that the "practical application, result, concrete, useful and tangible" limitations be stated in Applicants' claims.

Claims 28-57 have been amended to state a useful, tangible and concrete result, specifically, a communication is broadcasted as image, audio and closed captioning data, the data is converted to a format suitable for use by a keyword generating system; search terms are identified by the system; and the results are displayed concurrently with the output corresponding to the broadcasting image, audio and closed captioning data. Accordingly, the term "signals" has been further defined as a communication broadcasting image, audio and closed captioning data, as such the claims are directed to statutory subject matter and recite a useful, tangible and concrete result. Thus, the rejection should be withdrawn.

II. Rejection of Claim 28-57 Under 35 U.S.C. §112, second paragraph

Claims 28-57 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 28-57 have been amended to correct any deficiencies related to this rejection, as such the rejection is moot and should be withdrawn.

III. **Rejection of Claims 28-57 Under 35 U.S.C. §102(c)**

Claims 28-57 stand rejected under 35 U.S.C. §102(c) as being anticipated by Itzhak Wilf (U.S. 2001/0049826). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Wilf does not anticipate each and every element as set forth in the subject claims.

A single prior art reference anticipates a patent claim only if it expressly or inherently describes each and every limitation set forth in the patent claim. *Trintec Industries, Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 63 USPQ2d 1597 (Fed. Cir. 2002); *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The identical invention must be shown in as complete detail as is contained in the ... claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The claimed subject matter relates to a system and method for retrieving content associated with a communication. A search is conducted based on image, audio and closed caption text associated with the communication, and search results are presented to a user while viewing the communication. The text may be acted upon initially so as to generate key words in order to focus the search. As recited in independent claim 28 (and similarly in independent claims 46 and 50), the claimed subject matter provides for a system that decodes image, audio and closed captioned data associated with a communication, comprising: *an image communications system which outputs a communication broadcasting image data; an audio communications system which outputs a communication broadcasting audio data; a closed captioning system that outputs closed captioning data; a decoding system that decodes the image, audio and closed captioning data and converts the data to a format suitable for use by a keyword generating system; a search component that utilizes search terms identified from the keyword generating system to retrieve related results; and an output component that displays the results from the search component concurrently with displaying an output corresponding to the broadcasting image, audio and closed captioning data.* Wilf does not expressly or inherently disclose the aforementioned novel aspects of applicants'

claimed subject matter as recited in the subject claims.

Wilf discloses a method of searching video channels by content. A channel of interest is selected from a plurality of communication channels which carry audio or video information. Then, image or sound characteristic data is extracted from the audio or video information. Specific content of interest is searched based on the image or sound characteristic data. Then, a channel is selected based on the content of interest. The content that is searched and detected is then stored in a recording device, enabling future viewing and programs/events statistics information gathering. And, a data processor at a remote location generates indexing data that is stored in a web server in the Internet. (*See* page 2, paragraphs [0018]–[0020]).

In contrast, applicants' claimed subject matter discloses a system which decodes image, audio and closed captioned data associated with a communication. The system includes an image communications system which outputs a signal broadcasting image data, an audio communications system which outputs a signal broadcasting audio data, and a CCI system that outputs CC data. A decoding system decodes the image, audio and CCI data and converts the data to a format suitable for use by a keyword generating system (KWGS). A search engine performs a search using the generated key words and/or key terms generated by the search term generating system, and a search results display system (SRDS) displays the search results (*e.g.*, URLs corresponding to websites containing content related to the audio information of the broadcast). The SRDS may store all or portions of the search results. Furthermore, the SRDS may comprise a plurality of computer systems, each computer system performing different or similar functions with respect to displaying and/or storing all or respective portions of the search result data. (*See* page 9, line 27–page 11, line 3).

Wilf merely discloses selecting a channel of interest from a plurality of communication channels, extracting image or sound data from the channel, searching for specific content based on the image or sound data, then selecting a channel based on the content of interest. Wilf does not disclose a system which decodes image, audio and closed captioned data associated with a communication. Accordingly, Wilf is silent in regards to a system that decodes image, audio and closed captioned data associated with a communication, comprising: *an image communications system...*; *a decoding system that*

decodes the image, audio and closed captioning data and converts the data to a format suitable for use by a keyword generating system; a search component that utilizes search terms identified from the keyword generating system to retrieve related results; and a output component that displays the results from the search component concurrently with displaying an output corresponding to the broadcasting image, audio and closed captioning data.

In view of at least the above, it is readily apparent that Wilf fails to expressly or inherently disclose applicants' claimed subject matter as recited in independent claims 28, 46 and 50 (and claims 29-45, 47-49 and 51-57 which respectively depend there from). Accordingly, it is respectfully requested that these claims be deemed allowable.

Conclusion

The present application is believed to be in condition for allowance, in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [MSFTP122USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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